REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 2, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 50-0951.

Claims 14-15 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3-11, 17, 19-27, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,122,664 to Boukobza, *et al.* (hereinafter Boukobza). Claims 2 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boukobza, in view of U.S. Published Patent Application No. 2002/0087949 to Golender, *et al.* (hereinafter Golender). Claims 12-16 and 28-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boukobza, in view of U.S. Patent No. 6,681,243 to Putzolu, *et al.* (hereinafter Putzolu).

Applicants have amended independent Claims 1, 14, 17, and 30 to further emphasize certain aspects of the invention. Independent Claim 14 has further been amended to ensure that the claim and its dependent claim, Claim 15, expressly recite statutory subject matter. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced through the claim amendments.

Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention is a method for supporting an application. The method can include receiving a problem indication relating to the application, identifying a host within a grid environment, and associating a ghost agent with the host. The grid environment can be a distributed computing

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environment that includes different hardware and software components defining the computing resources of the environment. (See, e.g., Specification, paragraph [0020], lines 1-7.

The ghost agent, more particularly, can be configured to include at least one of a test engine, a ghost log, and a controller. (See generally Specification, paragraphs [0041], [0043], [0047], [0048], and [0052]-[0063]; see also FIG. 2.) The test engine can load test routines into the ghost agent, execute the test routines in response to received test commands, and analyze within the ghost agent results of the executed test routines. (See Specification, paragraphs [0052] and [0053]; see also paragraph [0048], lines 1-4.) The ghost log can store information, specifically within the ghost agent itself. (See Specification, paragraph [0058], lines 1-3.) The controller can accept control signals from an external source and can control a life-span of the ghost agent and/or resources used by the ghost agent. (See Specification, paragraphs [0062] and [0063].)

Additionally, the method can include replicating actions of the host for use by the ghost agent and recording data relating to the replicated actions. The method further can include responding to the problem based at least in part upon the recorded data.

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 14, 17, and 30 were each rejected as being anticipated by Boukobza. Boukobza is directed to a process for monitoring applications running on the different nodes of a distributed data processing system. (See Col. 2, lines 21-46; see also Abstract.) Boukobza' process utilizes "autonomous agents" that are downloaded at each "machine" (i.e., node) and monitored from "a management node (MN)." (Col. 4, line 36 – Col. 5, line 2.)

In particular, Boukobza uses the management node to store a configuration file and issue a "specific command" so that an autonomous agent is downloaded at each

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monitored node (Col. 4, lines 39-50; Col. 4, line 59 – Col. 5, line 2.) Each monitored node in Boukobza "has its own files SL ('scanlog') of parameters, conditions and associated actions which allow it to control <u>its own monitoring</u>, while the management node also holds the status files of the nodes to be monitored as well as the parameter display files (a set of 'trace' files TF)." (Col. 5, lines 2-7.) (Emphasis Supplied.) With Boukobza, moreover, "the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node," which also controls "the starting and stopping of the monitoring process." (Col. 5, lines 7-11.)

It follows that Boukobza's autonomous agents are not comparable to the ghost agents provided by Applicants' invention. Boukobza, for example, fails to expressly or inherently teach a ghost agent that is configured to include a test engine, a ghost log, or a controller, as recited in amended Claims 1, 14, 17, and 30.

Specifically, Boukobza's autonomous agents do not include a test engine that loads test routines, executes the test routines in response to received test commands, and analyzes the results of the executed test routines. Instead, as explicitly described in the reference, Boukobza relies on each monitored node being configured to "control its own monitoring." (Col. 5, lines 2-7.) The monitoring carried out by the monitored nodes in Boukobza, moreover, does not generate results that are then analyzed either by the nodes or the autonomous agents installed in the nodes. Rather, as also explicitly described, Boukobza provides that each autonomous agent "feeds back to the management node information" that can be displayed on a graphical user interface of the management node. (See, e.g., Col. 3, lines 30-39.) It is this information that is later analyzed at the management node. Accordingly, Boukobza's autonomous agents do not include a test engine that executes test routines or that analyzes the test results.

Boukobza also does not expressly or inherently teach a ghost agent that includes a ghost log for storing information internally within the ghost agent. Boukobza, in contrast

to Applicants' invention, stores information in the nodes themselves. The parameters, conditions and associated actions used by each monitored node to control its own monitoring are stored in a "scanlog" at each monitored node. (Col. 5, lines 2-7.) The management node, in addition to storing the configuration files, stores "status files" and "parameter files" for each of the nodes monitored by the management node. (Col. 5, lines 7-10.) Nowhere does Boukobza teach an agent that comprises a log for storing information internally within the agent itself. In Boukobza all information relevant to monitoring is stored in the nodes themselves, either the management node and the monitored nodes.

Likewise, Boukobza does not expressly or inherently teach a ghost agent that includes a controller to control signals from an external source and to control a life-span of the agent and/or resources used by the agent. This follows because, as already noted, each monitored node controls its own monitoring. No type of agent downloaded at, or received by, a particular node has the task of doing so. Moreover, Boukobza is silent as to both the life-span and the resources utilized by the autonomous agents. Thus, Boukobza does not teach a ghost agent that includes a controller to control either the agent's life-span or the resources used by the agent.

Accordingly, Boukobza fails to expressly or inherently teach every feature recited in amended Claims 1, 14, 17, and 30. None of the other references cited in connection with others of the claims teaches or suggests these features. Applicants, therefore, respectfully submit that Claims 1, 14, 17, and 30 each define over the prior art. Applicants further respectfully submit that whereas the remaining claims each depend from one of these claims while reciting additional features, the dependent claims likewise define over the prior art.

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CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: **September 5, 2006**
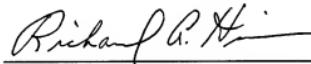
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